Secrt. II-27—100,000—21-5-52.

(1949) Department.

Ms. SERIES.

G.O. No. 664

Dated 20-7-49

[Despatch Abstract.]

ACT- The Madras Temple Entry Authorisation(Amendment) Act, 1949- Madras Act XIII of 1949- Papers- Recorded.

Firka Development Department.

NOTE FOR THE INFORMAL MEETING OF HON'BLE MINISTERS.

Act- The Madras Temple Entry Authorisation Act, 1947- Amendment proposals.

The Madras Temple Entry Authorisation Act, 1947 (Madras Act V of 1947) confers a right on the excluded classes to enter any Hindu Temple and offer worship therein in the same manner and to the same extent as Hindus in general. The word 'temple' has been defined in section 2(2) of the Act, As follows:

> " 'Temple' means a place, by whatever name known which is dedicated to, or for the benefit of, or used as of right by, the Hindu Community in general, as a place of public religious worship and includes subsidiary shrines and mentapams attached to such place."

But in the Madras Hindu Religious Endowments Act, 1927 (Madras Act II of 1927) the word 'temple' has been defined in section 9(12) of the Act, as follows:.

> " 'Temple' means a place by whatever designation known, used as a place of public religious worship and dedicated to or for the benefit of or used as of right by, the Hindu Community or any section thereof, as a place of religious worship".

It may be observed that the words 'any section thereof' occurring in Madras Act II of 1927 have been omitted in the definition of 'temple' in the Madras Temple Entry Authroisation Act, 1947. The result is that a temple under the Madras Hindu Religious Endowments Act, 1927, need not necessarily be a temple under the Madras Temple Entry Authorisation Act, 1947,and that when the rights of religious whorship in a temple are confined to only a section of the Caste Hindu Community, the excluded classes, have no right of access to that temple under the Madras Temple Entry Authorisation Act, as its provisions stand now. The definition of 'temple' in section 2(2) of the Madras Temple Entry Authorisation Act, 1947 was deliberately worded then, so as to exclude sectional temples from the purview of the Act. There are several temples in the Province which are constructed for the benefit of particular sections of the Hindu Community. The trustees and owners of those temples have been objecting to the application of the Madras Temple Entry Authorisation act, 1947 to them. The Government have had to examine the merits of each case and decide whether such temples really fall within the purview of the Madras Temple Entry Authorisation Act or not.

2. During the last session of the Legislative Assembly, Sri A. Vedaranam Pillai, M.L.A., gave notice of his intention to move for leave to intorduce a Bill which sought to amend the definition of 'temple' in the Madras Temple Entry Authorisation Act, 1947 on the lines of the definition of 'temple' in the Madras Hindu Religious Endowments Act, 1927 with a view to remove the restriction imposed by the Madras Temple Entry Authorisation Act, 1947 on the excluded classes in regard to their right of entering the sectional temples. Hon'ble the Premier has now ordered that Government themselved may take the initiative and bring in a suitable Bill to amend the Madras Temple Entry Authorisation Act, 1947 so as to remove the restriction referred to above.

3. There is no legal objection to undertake legilsation on the lines indicated in para 2 above. Legislation for this purpose falls within the scope of entry 34 of the Provincial Legislative list viz., "Charitable and religious Endowments" and is intra vires the Provincial Legislature. The previous sanction or recommendation of the Governor, is not required for the proposed legislation.

4. The point for consideration is whether the Madras Temple Entry Authorisation Act, 1947 may be amended on the lines indicated above.-

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NOTE FILE:

Legal Department.

The Madras Temple Entry Authorization (Amendment) Bill, 1949 (L.A. Bill No. 14 of 1949) has been numbered as Madras Act XIII of 1949 and published at pages 115-116 of Part IV- B of the Fort St. George Gazette dated 28-6-1949. The main-files relating to the Act may be returned to Firka-Development at they are no longer required.

Firka Development.

Please see the note of legal above. No further action is called for on this file. The papers may now be Recorded.

Order Ms. No.664, F.D
Dated 20-7-1949.
Recorded.
Act- The Madras Temple Entry Authorization (Amendment) Act 1949-
Madras Act XIII of 1949-
Papers Recorded.

True Copy.

Superintendent,
Madras Record Office.

MG.

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